

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HERIBERTO TORIBIO-RUIZ,

Case No. 3:14-cv-00492-MMD-WGC

Petitioner,

ORDER

v.

ISIDRO BACA et. al.,

Respondents.


Before the Court are the second amended petition for writ of habeas corpus (ECF No. 31), respondents' motion for a more definite statement (ECF No. 34), petitioner's opposition (ECF No. 36), and respondents' reply (ECF No. 37). The Court denies the motion.

Respondents argue that petitioner has not alleged any case law in support of ground 1 in part and grounds 2 and 3 in full. The allegations in grounds 1 through 3 are largely the same as the three issues that petitioner raised on direct appeal. See Exh. 88 at 12-27 (ECF No. 20-1 at 17-32). The Nevada Supreme Court was able to decide the issues on their merits. See Exh. 93 (ECF No. 20-6). Petitioner does not need to cite to court decisions in the petition, and the factual allegations in these grounds satisfy the requirements of Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts. The Court will be able to determine whether the Nevada Supreme Court's decision is due the deference of 28 U.S.C. § 2254(d)(1).

It is therefore ordered that respondents' motion for a more definite statement (ECF No. 34) is denied.

1 It is further ordered that respondents will have forty-five (45) days from the date
2 of entry of this order to file and serve an answer, which must comply with Rule 5 of the
3 Rules Governing Section 2254 Cases in the United States District Courts. Petitioner will
4 have forty-five (45) days from the date on which the answer is served to file a reply.

5 DATED THIS 7th day of September 2016.

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8 MIRANDA M. DU
9 UNITED STATES DISTRICT JUDGE
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